

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	)	DATE: January 7, 2004
	)	
Michael I. Watts, Jr.	)	DOCKET NO.: 03F-235
Supervisory Manpower Development	)	
Specialist	)	
Department of Employment Services	)	
1120 G Street, NE	)	
Washington, DC 20002	)	

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Michael I. Watts, Jr., Supervisory Manpower Development Specialist, Department of Employment Services, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated November 17, 2003 and December 2, 2003, OCF ordered Michael I. Watts, Jr. (hereinafter respondent), to appear at scheduled hearings on December 1, 2003 and December 11, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On December 18, 2003, respondent filed an affidavit with OCF stating that the Notices of Hearing, Statements of Violations and Orders of Appearance (Notices) were issued to his correct address, but were mistakenly in the possession of his father, who lives with him and bears his same name. Respondent further stated that on December 15,

2003, his father gave him the Notices, whereupon he immediately contacted OCF by telephone and spoke with the Hearing Officer to advise of his circumstance. Respondent stated that he filed a Financial Disclosure Statement with his agency in April 2003, and that it was his understanding that it would be submitted to OCF on his behalf by his agency. Respondent is a member of the Management Supervisory Service. On December 18, 2003, respondent filed a fully executed Financial Disclosure Statement with OCF.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent is a member of the Management Supervisory Service.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
3. Respondent is a first-time required FDS filer.
4. Respondent's explanation for the filing delinquency is credible in that he believed he timely filed the required FDS, and that his agency submitted it to OCF on his behalf.
5. Respondent is currently in compliance with the statute.

**Conclusions of Law**

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§ 3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02, is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

5. It is the practice of OCF to receive Financial Disclosure Statements from an agency which has assigned an employee to collect and deliver same en masse.
6. Respondent's explanation for failing to timely file constitutes a basis for a finding of good cause.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of a fine in this matter.

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**Date**

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**Jean Scott Diggs**  
**Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams**  
**General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine in this matter be hereby suspended.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order.

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**Rose Rice**  
**Legal Assistant**

**NOTICE**

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.